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In re Application of :
JEONG et al. :
U.S. Application No. 10/560,920 :
PCT No.: PCT/KR03/01813 : DECISION ON REQUEST
Int. Filing Date: 04 September 2003 :
Priority Date: 23 June 2003 :
Attorney Docket No.: GUA-0014 :
For: MEMORY CIRCUIT FOR DISPLAY
PANEL DRIVING AND DRIVING
METHOD THEREOF

This decision is issued in response to applicants' "Request to Correct Inventorship Pursuant to 37 CFR 1.48(a)" filed 14 December 2005, which is being treated as a Request under 37 CFR 1.497(d). The \$130 petition fee has been charged to counsel's deposit account.

BACKGROUND

On 04 September 2003, applicants filed international application no. PCT/KR03/01813 which claimed a priority date of 23 June 2003. The international application named Seong-Ik Jeong as an applicant/inventor. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 23 December 2005.

On 14 December 2005, applicants filed a transmittal letter for entry into the national stage accompanied by, *inter alia*: the requisite basic national fee; a copy of the international application; an assignment; a declaration executed by Seong-Ik Jeong; a preliminary amendment; and a "Request to Correct Inventorship Pursuant to 37 CFR 1.48(a)."

DISCUSSION

As defined in 37 CFR 1.9(a)(3), a U.S. national stage application must first comply with the requirements of 35 U.S.C. 371(c) to constitute a "nonprovisional" application, therefore, applicants' request will be treated under 37 CFR 1.497(d). The present submission seeks to correct the inventorship so as to add inventor Jae Woon Kim to the

application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17; and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
- (4) any new oath or declaration required by paragraph (f) of this subsection.

Items (1), (2), and (3) have been satisfied.

As to item (4), an oath or declaration by the actual inventors (Seong Ik Jeong and Jae Woo Kim) as required by 37 CFR 1.497(a) has not been submitted.

Because applicants have not satisfied all the requirements of 37 CFR 1.497(d), inventor Jae Woo Kim cannot be added to the application on the present record.

CONCLUSION

Applicants' request to add inventor Jae Woo Kim under 37 CFR 1.497(d) is **DISMISSED** without prejudice. The inventors of record remain the inventors named on the international application.

Applicants must file a proper response to this decision within **TWO (2) MONTHS** from the mail date indicated above. A proper response must include a declaration in compliance with 37 CFR 1.497(a)-(b). Failure to file a timely and proper response will result in abandonment of the application. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

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